



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Serial No. 09/695,443)
 Filed: Oct. 24, 2000)
 Inventors: Cherouny et al)
 For: Electronic Programmable Speed Limiter)

RECEIVED
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 OFFICE OF PETITIONS

Office of Petitions
 Honorable Commissioner of Patents & Trademarks
 Washington, D. C. 20231

PETITION TO GRANT EARLIER FILING DATE
Under 37 CFR 1.17 (h)

02/05/2003 SDIRETA1 00000001 03695443

01 FC:1460

Now comes applicants and through their attorney of record, the undersigned, petition to the Commissioner to grant the early filing date, Oct. 24, 2000, to the instant application.

Accompanying this Petition is a Declaration by the undersigned that the case was filed with claims 1-32, and that these claims must have been lost or misplaced by the Patent Office in their confusion as to the status of this case.

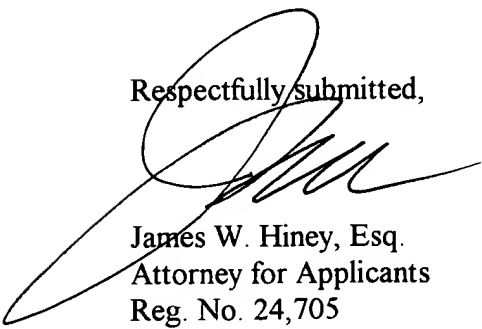
The instant case was filed on Oct. 24, 2000 by way of Express Mail together with a check for the 32 claims. Note the copy of the cover sheet stating that the additional filing fee at the time brought the total to \$492.00, the check for which has been cashed by the Patent Office.

After filing, on March 29, 2001 (some five months after the filing) the Customer Service Center sent a filing receipt (copy attached) together with a Notice to File Missing Parts of NonProvisional Application (copy attached) for failure to file in English! A reply (also attached) was sent in and a Withdrawal of Previously Sent Notice was mailed on May 4, 2001 (copy attached) together with another Notice of Incomplete Nonprovisional Application (copy attached) for failure to present a claim.

The undersigned, during May, attempted to ascertain, by calling the Customer Service Center, what the status was and to explain that the case was filed with claims 1-32 as his accompanying declaration attests to. The undersigned called three separate times, a week apart, only to be told that the case was somewhere else and that it would be ordered and someone would call in a couple of days. At one point the undersigned was accused by a person in Customer Service of having a "bad attitude" as he expressed frustration in not getting any response. Finally, never hearing from Customer Service in over a month, despite three calls to them, new declarations were prepared and sent to the inventors who have executed them and they are filed, with yet another set of the 32 claims, with Customer Service. Customer Service, not only took forever to get the complaint about missing claims out (over six months) but in the meantime sent a spurious Notice which required applicants attorney to spend additional time in responding to it.

Applicants hereby petition the Patent Office to set the initial filing date as Oct. 24, 2000, based on the facts and the declaration filed herewith, as well as the record of the Customer Service people in (a) sending an incorrect Notice, (b) taking six months to sent the claim Notice and (c) for not responding to the undersigned's requests for a review of the case. It seems to the undersigned that the level of service in the Patent Office continues to deteriorate yearly. If applicants are given the filing date of when Customer Service receives the second set of claims to replace the ones they misplaced then applicants will have lost six months plus of time in the priority established by filing, an additional lag in having any action forthcoming and having to pay for the undersigned to prepare all these unnecessary documents, the cost of Express mailing, etc., and the cost of the Petition Fee (\$130.00). In regard to the latter, a request is hereby made for refund of the petition fee as this petition was not necessary.

Respectfully submitted,



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(540) 552-4400



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Honorable Commissioner of Patents & Trademarks
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DECLARATION OF FILING CLAIMS BY ATTORNEY OF RECORD

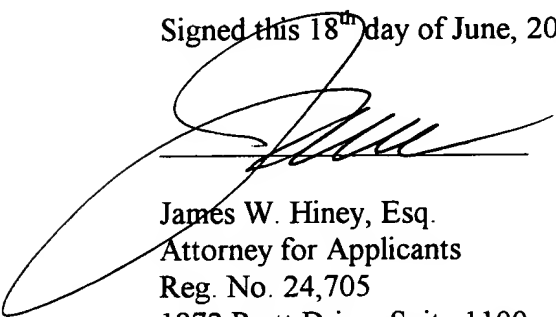
Now comes James W. Hiney, the attorney of record in the above noted application for Letters Patent in the United States Patent & Trademark Office and states the following.

That his name and address is correct as stated below and that he is a U. S. citizen.

That on Oct. 24, 2000, I deposited the instant application, complete with 18 sheets of drawings, 19 pages of specification, claims 1-32, Form 1449, abstract, declaration and Power of Attorney, a signed Small Entity Form and a check from the client for \$496.00 to cover the cost of the 32 claims, with the United States Postal Service, Express Mail postage prepaid, (see attached Express Mail receipt) addressed to the Commissioner of Patents & Trademarks, Washington, D. C. 20231.

That I acknowledge the duty to disclose information which is material to the examination of the application in accordance with Title 37 of the Code of Federal Regulations and am aware of criminal penalties for false statements hereunder.

Signed this 18th day of June, 2001



James W. Hiney, Esq.
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